



Trinity Infrastructure Committee
Monday, November 06, 2006
7:00 P.M.

The Infrastructure Committee held its revised scheduled meeting on Monday, November 06, 2006 at 7:00 pm at Trinity City Hall for the purpose of discussion, review and action for items listed on their Agenda.

MEMBERS PRESENT: Chairman, Lloyd Brown; Committee Members, Bobby Campbell, Mickey Callahan, Tommy Johnson, and Gwyn Riddick.

MEMBERS ABSENT: Mike Robertson, Kelly Grooms, and Jay Morrow.

COUNCIL LIAISONS PRESENT: Barry Lambeth.

OTHERS PRESENT: Mayor Fran Andrews; City Manager, Ann Bailie; City Clerk, Debbie Hinson; City Planning/Zoning and Code Enforcement Administrator, Adam Stumb, and Randy McNeill, Davis-Martin-Powell and Associates.

ITEM 1. Welcome

Chairman Brown called the November 06, 2006 Infrastructure Committee Meeting to order at 7:07 pm and welcomed everyone in attendance.

Review and Approval of Minutes

ITEM 2 Review and Approve Minutes of September 05, 2006 Infrastructure Committee Meeting

Chairman Brown called for any corrections, deletions, or additions to the September 05, 2006 minutes.

Ms. Hinson, City Clerk advised members that she had corrected the adjournment section of the September 05, 2006 minutes after the minutes were mailed to members. She advised members that the minutes included in the packet did not contain the correct date.

Hearing no other changes, Chairman Brown called for a motion to approve the minutes.

Committee Member Reddick made a motion to approve the September 05, 2006 minutes of the Infrastructure Committee as written reflecting the change in date as discussed by the City Clerk. Committee Member Johnson seconded the motion. The motion and second were approved unanimously by all Committee Members present.

Unfinished Business

None

New Business

ITEM 3. Sewer Extension Policies/Ordinance Amendments

Manager Bailie discussed the 2 policies considered by members at their last meeting. One (1) was to work out an arrangement to reimburse developers who extended a City Sewer System. This board voted not to pursue this policy and the City Council agreed with your decision concerning this. The other policy was assisting developers in obtaining or acquiring easements that is off-site of their property when they need it to do their project. This will also extend the City Sewer System. Members voted to pursue this or recommend this as a

policy to the Council with one member voting against the recommendation. Council agreed with the recommendation made by this board and agreed for this board to work up a policy.

Manager Bailie discussed the draft policy (to follow) and items that were addressed in the draft.

At this time, Chairman Brown read the Draft Policy (to follow) as written. After discussion, members, Mr. Stumb, Manager Bailie, and Mr. Randy McNeill, discussed the sections addressing concerns. Recommended changes or concerns are inserted into the document in **BOLD CAPTION AT THE END OF THE SECTION THAT QUESTIONS OR DISCUSSION OCCURRED.**



SEWER EXTENSION POLICY (or amendment to § 50.073 Trinity Code of Ordinances)

It is the intent and purpose of this article to provide an orderly method whereby the sewerage system of the city may be extended by individuals, corporations, sub-dividers and others.

Pre-requisites for Permission

The developer shall engage a registered professional engineer to prepare plans and specifications for the construction of sanitary sewer improvements to serve the property. After approval of the plans for the extension of sewer lines by the City, permission for extension may be granted by the City Manager, provided that the developer receiving permission shall agree in writing that:

- (1) All necessary easements or rights-of-way of such widths as the City may require shall be obtained and dedicated to the city, at no cost to the City.
- (2) The expense of constructing the sewer mains and of connecting them with sewerage system of the City shall be borne by the developer. Such mains shall be of such size as required and shall be laid in accordance with specifications approved by the city. The developer shall provide the City with lien waivers as evidence that such sewer lines or both are free and clear of any claims for labor and materials used in the construction of such lines.
- (3) Additions to the City's sewer system shall be guaranteed against defective material and workmanship for a period of twelve (12) months from the date of completion and acceptance of the project, including such incidental damages as may arise from such claims.
- (4) The City may make or authorize extensions or connections to or from any of the improvements constructed at the expense of a developer without permission of the developer.
- (5) Construction of improvements at the expense of the developer shall not relieve the developer of the obligation to pay applicable fees under the City's sewer policies.
- (6) Construction of improvements at the expense of a developer does not affect the City's policy with respect to fees to be paid to the City by property owners other than the developer for connection to or extension of improvements constructed at the expense of the developer. Nor shall the developer have any right to collect fees from persons connecting onto or extending the improvements constructed.

Members asked Manager Bailie for further definition and clarification of numbers 5 and 6 listed above.

Manager Bailie explained number 5 was to make the developer aware that they will still be responsible for any fees that were generally applicable to anyone that wishes to develop in the City. T

Number 6: This clarifies that the developer will not have the right to collect any fees to anyone else that ties onto the line that he may have constructed while completing his development.

Chairman Brown and Manager Bailie had further discussion concerning how this may affect residents and future connections. This will define that both residents and future developers alike must pay fees at the time of development of the property.

Submission of Plans and Specifications for Approval

The person desiring to extend sanitary sewer lines shall submit plans, profiles and specifications to the City Manager prior to entering into contract or commencing construction. Sanitary sewer line plans, profiles and specifications shall be made by an engineer.

Prerequisites for Connection

Prior to connection of sewer line extensions to the city systems, such person shall present to the city:

- (1) Recorded easements or rights-of-way for all portions of such lines that are installed on private or public property other than property or easements already belonging to the city;
- (2) Properly executed lien waivers for all labor and materials used in the construction of such line;
- (3) A properly executed and recorded deed conveying the line to the city free and clear of all encumbrances, together with a certificate of title certifying that the deed vests such title in the city;
- (4) Each single-family residential structure shall have a sewer line which shall extend from the single-family residence to the sewerage collection system of the city. No other sewer line shall be connected to the aforesaid lines between the single-family residential structure and the sewerage collection system of the city.

Member Riddick asked Manager Bailie to clarify Item (4). Does this mean that the owner must connect the sewer line goes by their property. Manager Bailie advised members that Item (4) did mean that residents must connect. This is an existing Policy of the City. Residents will be billed for sewer usage even if they do not connect based on their water consumption.

Extensions Outside of City

- (1) The City has no responsibility to provide sewer service to property located outside the corporate limits. However, upon request, the City may allow extensions of its sewer lines to serve properties outside the City when it determines that it is in the City's best interest to do so.
- (2) Any owner of property outside the corporate limits who seeks an extension of the City's sewer system to serve his property may make an application for such extension to the City. The owner shall provide all information the City deems necessary to determine whether the requested extension is feasible and in the City's best interest.
- (3) It shall be unlawful to begin construction of buildings or project infrastructure until a Construction Permit has been issued by the City Engineer. This permit will be contingent upon approval of the final development plans for the project by the City Engineer, execution of a sewer agreement (if applicable), and the acquisition of all necessary permits for construction by other agencies.

Reasons for Extension Refusal

The City may refuse to extend or allow extension of service to property inside or outside the City in situations where the City determines that extension of service is unreasonable because:

- (1) The cost of service extension is excessive in terms of the number of customers to be served or because of topographical, engineering, technical, or other problems.
- (2) The provision of service will adversely affect the service to other customers or will adversely affect the City's sewage treatment capabilities.
- (3) Other good and sufficient reasons.

Extensions Required Within Rights of Way

Sewer lines being constructed for direct service to adjoining properties shall be extended only within the rights-of-way of publicly dedicated and opened streets except where the topography makes this impractical. However,

in no case will, sewer lines be extended across private property unless adequate permanent easements for such lines have been obtained.

In the event the developer is unable, despite his/her best efforts to acquire necessary easements and rights-of-way, the developer may, by written notice to the City, request that the City acquire same through its exercise of eminent domain or similar proceedings. The request shall describe the easement or right-of-way needed and include copies of offers or other evidence of unsuccessful acquisition efforts.

Should the City agree to honor the request after finding that the easement or right-of-way is needed by the City for extension of its sewer system; the developer shall reimburse the City for all easement acquisition costs including the purchase price, appraisal fees, attorneys' fees, court costs and administrative fees.

The off-site easements acquired by the developer shall be in a form reasonably acceptable to the City and shall, in any event, be dedicated to the City. The City reserves the right to require that main sewer easements be recorded as dual sewer/greenway easements.

Chairman Brown, Committee members, Mr. McNeill and Manager Bailie discussed the use of eminent domain. Topics discussed was the feelings of members concerning the use of eminent domain by the city to assist developers, and how topography might dictate the use of this if needed in order to be feasible. Council Liason Lambeth discussed how not putting an eminent domain clause in this policy could cause the project to be stopped.

Chairman Brown discussed his feelings on this issue stating that he wanted to see more detailed verbiage concerning this issue defining that the eminent domain would be the absolute last resort where there are no impracticalities.

Mr. McNeill discussed ideas on how verbiage could be added to address members concerns that all other options should be explored prior to seeking eminent domain.

Members discussed what would determine impracticality and decided that this could not be determined by dollars only. Members did not want to see developers taking someone's property rights away for their own profit even if it does cost the public more for the public good. That one individual should not have to pay for all the good of the public.

Mr. McNeill suggested that the following be added "where reasonable and alternate routes are not available because of topographic features, etc., and would be considered in the same circumstances if the project were being undertaken directly by the City." The City would evaluate the developer's project just as if this were a project they were going to do and would use the same thought process to make a determination that would have the least impact on City residents. They would require the developer to go to the same expense the City would incur.

Mr. McNeill discussed the Master Plan that illustrated how to serve each watershed located inside the City. It shows sewer lines following every creek. If you have property located on a creek, someday a sewer line will come across that property.

Chairman Brown discussed the need to reference the Master Plan and stipulate this plan should be followed to serve these properties. Member Riddick discussed the use of eminent domain and the public's reaction to this use as well as problems that could arise if this was not handled correctly because of the changes in the laws surrounding the use of eminent domain. He discussed the reason for the creation of cities being to benefit the community and the people located inside of the community. All residents are members of the community and individual property owners in that respect.

Member Johnson addressed whether or not the City should exercise eminent domain when the project falls outside the boundaries of the scope of the master plan to serve a developer?

Manager Bailie discussed comments made by members and believed that members wanted specific or findings that the Council should make before undertaking any eminent domain procedures. She discussed the section that stated *"finding that the easement or right-of-way is needed by the City for extension of its sewer system"* and felt that the Master Plan should be referenced for one (1) of the findings.

Manager Bailie discussed with members what would be done prior to eminent domain. The City would follow the same procedures that we currently use which will include involvement of the right of way agent to negotiate with the property owners to acquire the easement. Eminent Domain would be a last resort as currently is the practice of the City and would not be the first tool used by the City.

At the close of discussion of this item, Chairman Brown reiterated his view that verbiage be added that eminent domain would be used as a last resort.

Conditions to be Satisfied After Construction of Extensions Prior to Actual Use of City's System

Before the City will permit use of the sewer system to serve the property, the sub-divider or developer responsible for the extension of the City's system shall:

- (1) Furnish the City two copies of the record drawings, together with:
 - (a) the contractor's affidavit that the drawings accurately represent the as-built improvements; and
 - (b) a certificate of compliance executed by the engineer of record indicating that work has been performed in substantial compliance with the approved plans and specifications.
- (2) Convey to the City and record, or cause to have recorded, in the Randolph County Registry all deeds of easement and plats showing all sewer easements required to serve the project.
- (3) Formally dedicate to the City all physical improvements constructed to serve the project that is the subject of this contract, which improvements shall become part of the City sewer system and will thereafter be owned and maintained by the City.

Inspection by City of Work Done by Others

- (1) All work on the extension of sewer lines not performed by City forces (whether inside or outside the City) shall be subject to inspection by the City, ~~and no new service line may be covered up until such inspection has occurred.~~ If any line or facility is covered up prior to inspection, the City may require such line or facility to be uncovered or exposed for inspection at the developer's expense. If, in the judgment of the City, there is a demonstrated lack of competent supervision by a contractor, the City may:

There was discussion between Mr. McNeill and Members regarding the section *and no new service line may be covered up until such inspection has occurred*. This indicates that the City is taking responsibility for inspection. Mr. McNeill advised members and Manager Bailie that the contractor must cover his work as he proceeds forward. Each time you move forward 20 feet you are required to cover this before proceeding to the next 20 feet. A contractor can not leave a ditch open. Mr. McNeill advised members that the City or engineers inspection were done on a periodic basis not a constant basis. Chairman Brown asked if this would reserve the right if something was found or the engineer of record or the City's engineer found just cause to have the work excavated.

There was discussion between members concerning the intensity of inspections and how this item could be address. Mr. McNeill advised members an intense inspection was considered to be done within the scope of 2 to 4 hours per day. The less intense inspection that can be certified is within the scope of 2 hours per trip 3 times weekly. Mr. McNeill and members discussed what the engineer would be looking for during inspections and what affect there would be if the work was not performed to standards. The inspector will be checking to make sure there is evidence that the project is progressing as it should. Inspection times should be staggered and the inspector must get there timely.

After further discussion, Manager Bailie suggested that the language in item (1) be changed to read as follows:

- (1) *All work on the extension of sewer lines not performed by City forces (whether inside or outside the City) shall be subject to inspection by the City. ~~and no new service line may be covered up until such inspection has occurred.~~ If any line or facility is covered up prior to inspection, the City may require such line or facility to be uncovered or exposed for inspection at the developer's expense. If, in the judgment of the City, there is a demonstrated lack of competent supervision by a contractor, the City may:*

This deletes the section “and no new service line may be covered up until such inspection has occurred.”

It was the consensus of members that the change recommended by Manager Bailie be incorporated.

- (a) Halt work until approved supervision is obtained and the work done in accordance with City specifications and requirements; or
- (b) Provide constant inspection by City personnel at the expense of the applicant.

(2) Inspection of a project by the City does not consist of or imply supervision. The person requesting the extension is solely responsible for ensuring that the project is completed according to City specifications and may be required to reconstruct any work to bring it into conformity with such specifications and requirements.

- (a) The applicant's engineer shall provide construction stake out and ~~supervision.~~

Mr. McNeill advised Manager Bailie that engineers did not supervise construction because they were not responsible for liability for safety. He suggested that the word “supervision” be changed, since no engineer will take on supervision responsibility for the contractors work.

After discussion, the language was changed in section 2(a) to read as follows:

The applicant's engineer shall provide construction stake out and shall be responsible for insuring that the project is completed according to city specifications and requirements.

- (b) The City may require any testing it deems appropriate to determine that the work complies with City standards and specifications. All such testing shall be at the applicant's expense.
- (c) All construction work shall be performed by a contractor licensed to perform this type of work in North Carolina.

Dedication of Sewer Line Extensions

(1) All sewer lines located within public rights of way or utility easements and connected with the facilities of the City pursuant to this article shall be conveyed to and become the property of the City upon completion and acceptance by the City. Connection to the system and acceptance by the City shall constitute dedication of a sewer line extension by the person responsible for the extension. However, connection to the system shall not be permitted unless and until the lines have been constructed and connected in compliance with all applicable State and City regulations and requirements.

(2) Following dedication as provided in subsection (a), the City shall have exclusive control of all such sewer lines and shall be responsible for their maintenance, repair, and operation. However, the conveyor of additions to the system shall guarantee the entire project against defective material and workmanship for a period of twelve (12) months from the date of completion and acceptance of the project, including such incidental damages as may arise from such claims.

After the review of this draft, ***Committee member Callahan made a motion to table this item until the next meeting of this committee to allow Manager Bailie to work on verbiage changes as discussed for further review by this committee, seconded by Committee member Campbell and approved unanimously by all Committee members present.***

Additional Business

ITEM 4. Business From Committee Members

Intersection of Interstate 85 and Hopewell Church Road

Member Callahan discussed the accidents that had repeatedly occurred at the Intersection of Hopewell Church Road and the entrance and exit ramps to Interstate 85.

He discussed the current location of the straight lane and left hand turn heading toward NC Highway 62. He discussed the possibility of changing this to have the straight lane and right lane turn lane together and the left turn for left turn only. This may help alleviate this situation. Part of the problem is the back up of traffic in the early morning hours. There are cars trying to make a left hand turn to get onto the ramp to Interstate 85 and can't see the oncoming traffic that is currently dedicated for left turn only. I believe if this change were made it would help reduce the accidents that are occurring at this location.

Member Callahan discussed the traffic located on the other side of NC Highway 62 at the intersection of Surret Drive and NC Highway 62. If this concrete island were removed they could have two (2) lanes of traffic; a straight lane and left hand turning lane as well as a right turn lane only. Chairman Brown discussed the signage located at this intersection and the fact that this signage was usually damaged and of little use.

Mr. Callahan discussed the procedure used to dispatch the fire department to an accident. He advised members that he had been on location at one of the accidents that occurred here and had called 911. Due to failure with my radio I was unable to advise them if there were injuries. The fire department was not dispatched. He discussed his experience as a fireman and dealing with situations like this. I took it upon myself to contact Gary Dobson with the fire department to discuss this issue. He checked with the dispatch in Randolph County and was advised that if property damage only was reported they will dispatch law enforcement and no fire department is dispatched. Mr. Dobson advised me he was satisfied with this due to the time it takes law enforcement to arrive. Because of the time involved with response, the fire department would be left at the area directing traffic and would tie up units that may be needed for other emergencies. Mr. Callahan discussed his desire to see some type of improvement in determinations of whether or not the fire department should be dispatched to an accident.

Member Callahan advised members that he would like this committee to make some sort of recommendation to Council that they approach NCDOT to find out the possibilities of having these changes made.

Chairman Brown called for recommendations to forward this suggestion to Council.

Motion by Committee member Riddick to forward the recommendation that Council approach NCDOT concerning the changes to the intersection of Hopewell Church Road and the entrance and exit ramps to Interstate 85 as well as the change at the intersection of Surret Drive and NC Highway 62, seconded by member Campbell and approved unanimously by all Committee members present.

Davidson Water Street Repairs

There was discussion between members and Manager Bailie concerning the sinking pavement located on Braxton Craven Road in front of Trinity Elementary School as well as Circle Drive. Manager Bailie advised members these roads were maintained by NCDOT; however she would make a call and ask that NCDOT look at these roads for repairs.

Coldbrook Court

Member Campbell asked for an update on this project. Manager Bailie advised members no paving had been done in this area; however the contracts were at City Hall ready to be signed.

Mr. McNeill advised members that this project would be completed when the contractor could get about 2 weeks of good weather. He will strip off the old asphalt and add some stone and then pave when the weather is warm enough.

Mendenhall

Member Johnson asked about the work being done on Howard Circle. Mr. McNeill advised members this was a State road and that they were getting ready to pave this road.

There was discussion between members and Manager Bailie concerning the completion of Mendenhall Road and the length of time involved to make repairs to this road.

ITEM 5. Business from City Manager

Manager Bailie discussed the following items:

Reappointment Forms

Manager Bailie discussed the reappointment forms placed at member's seats tonight. She discussed the proposal for a new Safety Committee that would be considered by Council for approval. I wanted to give you the opportunity to sign up for this Committee if you would like to.

December Meeting

Manager Bailie advised members that due to a conflict we will need to set a new date for the December Meeting.

One of the items that will be coming up is consideration by the City to assume the payment of the electric expense for the street lights in the Steeplegate Subdivision. Adam and I have been working with someone to determine the current location of the lights in Steeplegate and where additional lighting is needed and the costs associated with everyone to do this. The Steeplegate representative is hoping to bring this to this Committee in December. The only other item for the December meeting would be the High Point MPO to discuss Thoroughfare Transportation, and the changes to the draft policy if I am able to get them incorporated,

There was discussion among members and Manager Bailie concerning another date for the December meeting for this committee. After discussion, members decided to reschedule their meeting for **Thursday, December 7, 2007.**

Comments from Mr. McNeill- Engineer

Mr. McNeill discussed the Phase 2 project and advised members that a pre-construction meeting would be held on Wednesday and work should begin approximately 2 weeks from that date.

We have met with Thomasville concerning the Colonial Heights System to discuss their concerns of a possible leak in the system. We are going to go back and check for possible leaks. Once this is done and any leak repaired the system is complete.

ITEM 6. Adjournment

With no other business to discuss, Chairman Brown called for a motion to adjourn the November 06, 2006 meeting of the Infrastructure Committee.

Motion by member Callahan to adjourn the November 06, 2006 Infrastructure Meeting at 8:38 pm, seconded by member Gwyn, and approved unanimously by all members present.

These minutes were approved as written by the Infrastructure Committee at their Regularly Scheduled Meeting held on December 07, 2006 upon motion by Committee Member Robertson, seconded by Committee member Johnson and approved unanimously by all Committee Members present.

Chairman

Date

City Clerk

Date